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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,290	08/11/2005	Tommaso Mazza	MAZZA I	9524

1444 7590 04/21/2006

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EXAMINER

LIU, JONATHAN

ART UNIT PAPER NUMBER

3673

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/516,290

Applicant(s)

MAZZA ET AL.

Examiner

Jonathan J. Liu

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, and 9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/30/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/30/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt (US 5,572,751) in view of Pollard (US 5,263,210). Brandt discloses a system for implementing a modular structure having two or more cot places (see figure 1) comprising a first plurality of posts (44, 40, 22, 26, 56), a second plurality of crosspieces (58), and a plurality of head members (36). Brandt does not disclose wherein said modular structure is implemented by mutual interconnection of single units comprising a pair of posts and at least one cross piece assembled in a sandwich arrangement blocked in position by fastening means. Pollard discloses a modular bed structure wherein a crosspiece (70) is sandwiched between two posts (38) to provide structural rigidity (see figures 1 and 3). Brandt and Pollard are analogous because they are from the same field of endeavor, i.e. modular support structures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Brandt (i.e. posts, crosspieces) to be assembled as shown by Pollard. The motivation would have been to provide an alternative mechanical expedient to increase structural rigidity. Therefore, it would have been obvious to modify the system of Brandt as specified in claim 1.

Regarding claim 2, it would have been obvious to provide each post with a plurality of blocking regions (Pollard: 42) apt to cooperate with said fastening means for the mutual interconnection of said single units

In regards to claim 3, it would have been obvious to provide each crosspiece with a plurality of blocking regions apt to cooperate with said fastening means for the mutual interconnection of said single units.

Regarding claims 4 and 5, each post and crosspiece is substantially rectangular-section beam shaped (see figures 1, 2, and 5 of Brandt).

In regards to claim 6, each post and crosspiece is substantially made of a boxed rectangular-section beam (see figures 1, 2, and 5 of Brandt).

With regards to claim 7, each head member (Brandt: 36) is a substantially rectangular-shaped plane member apt to be blocked between two single units by a second blocking means (see figure 1 of Brandt; because the head members are interconnected to the posts, there is effectively a second blocking means).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt (US 5,572,751) in view of Pollard (US 5,263,210) as applied to claim 1, in further view of Caya (US 5,111,540). Brandt as modified, discloses the invention of claim 1. However, Brandt does not disclose wherein the system comprises supporting means of a respective cot seat and removably assembled on said single unit. Caya discloses a supporting means for a cot seat (40) capable of being assembled on a single unit. Brandt and Caya are analogous because they are from the same field of endeavor, i.e. bunk beds/cots. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to alter the system of Brandt with the supporting means of Caya. The motivation would have been to provide an alternative mechanical expedient for supporting a cot seat. Therefore, it would have been obvious to modify the system structure of Brandt as specified in claim 9.

Allowable Subject Matter

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. There is no motivation to provide an anchoring member apt to be assembled between two posts as part of the second blocking means.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

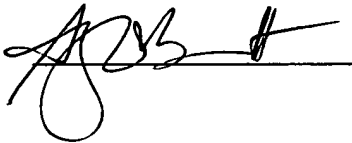
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suzanne Barret can be reached on (571) 272-7053. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan J Liu
Examiner
Art Unit 3673

Suzanne Barrett
Primary Examiner
Art Unit 3676

A handwritten signature in black ink, appearing to read 'S. Barrett', is written over a horizontal line.